

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

EDWARD G. MURPHY, D.O.

Holder of License No. 1008

For the practice of osteopathic medicine in the
State of Arizona

) **Case No.: 3197A**

) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW**
) **AND ORDER FOR DECREE OF**
) **CENSURE**

On July 8, 2003, the AZ Board of Osteopathic Examiners (hereafter "Board") notified Edward G. Murphy, D.O. (hereafter "Respondent") of a complaint received from JL. The Board received the Respondent's answer to this complaint on August 19, 2003.

On August 25, 2005, Respondent was notified that the complaint would be reviewed at the Board's September 17, 2005 meeting and that he had the right to attend that meeting.

At their meeting on September 17, 2005, the Board reviewed the complaint and voted to invite Respondent to participate in an informal, investigative hearing on the matter, scheduled for October 29, 2005, at 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258.

On October 29, 2005 the Board conducted the informal, investigative hearing. Respondent was present and represented by his legal representative Bryan F. Murphy. The complainant was present.

After hearing testimony and considering the documents submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Censure.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 1008 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

1. On March 22, 2003 the Respondent assumed the care of patient MW after the patient was admitted to Mesa General Hospital following an emergency room visit.

2. MW was a 45 year old male patient that had swallowed a chicken bone while eating dinner earlier in the evening. Testimony and evidence presented during the investigative interview indicate that the patient presented to the Respondent with a swollen neck, difficulty swallowing and during the initial trauma had spit up small amounts of blood.

3. In the course of caring for the patient the Respondent failed to properly recognize the gravity and urgency of the patient's condition, resulting subcutaneous emphysema and foreign body obstruction and perforation.

4. During the investigative interview it was determined Respondent's records did not include a physical exam of findings to notate progressive changes. Respondent admitted that he did not complete his medical record of this patient.

5. The Respondents acts and/or omissions caused a delay in surgical intervention which fell below the community standard. In addition, the Respondent did not keep adequate medical records.

CONCLUSIONS OF LAW

1. The conduct described in paragraphs 2 through 4 A.R.S. § 32-1800 et seq above constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (6), which states, “Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.”

ORDER

Pursuant to the authority vested in the Board,

1 1. **IT IS HEREBY ORDERED** that Edward G. Murphy, Holder of osteopathic
2 medical License number 1008, is issued a DECREE OF CENSURE pursuant to the provisions of
3 A.R.S. § 32-1855 (E)(1).



4 ISSUED THIS 15th DAY OF NOVEMBER 2005.

5 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

6
7 By: _____

8 Jack Conner, Executive Director

9 **NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

10 You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-
11 1092.09. The request for rehearing or review must be filed with the Arizona Board of
12 Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must
13 base your request on at least one of the eight grounds for review or rehearing that are allowed
14 under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has
15 the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ
16 Courts.

1 Original "Findings of Fact, Conclusions
2 of Law and Order for Decree of Censure"
3 filed this 15th day of November, 2005
4 with the:

5 Arizona Board of Osteopathic Examiners
6 In Medicine and Surgery
7 9535 East Doubletree Ranch Road
8 Scottsdale AZ 85258-5539

9 Copy of the foregoing "Findings of Fact,
10 Conclusions of Law and Order for Decree
11 of Censure" send by certified mail, return
12 receipt requested this 15th day of
13 November, 2005 to:

14 Edward G. Murphy, D.O.
15 Thoracic Cardiovascular Associates, LTD
16 7550 North 19th Avenue, Suite 204
17 Phoenix, AZ 85021

18 Copies of the foregoing "Findings of Fact,
19 Conclusions of Law and Order for Decree
20 of Censure" sent via regular mail this 15th
21 day of November, 2005 to:

22 Bryan F. Murphy, Esquire
23 Burch & Cracchiolo, P.A.
24 702 East Osborn Road, Suite 200
25 Phoenix, AZ 85014

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007


